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09/932,809	08/17/2001	John M. Baron	10010921	7320

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HEWLETT-PACKARD COMPANY  
Intellectual Property Administration  
P.O. Box 272400  
Fort Collins, CO 80527-2400

EXAMINER

HO, TUAN V

ART UNIT	PAPER NUMBER
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2615

DATE MAILED: 08/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/932,809	<b>Applicant(s)</b> BARON, JOHN M.	
	<b>Examiner</b> Tuan V. Ho	<b>Art Unit</b> 2615	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____  |

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1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-3 and 5-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Rayner (US 6,449,540).

With regard to claim 1, Rayner discloses in Fig. 3, an image capture system 10 which includes cameras 62 and 65, where the system comprises the audio transducer capable of converting sound into a representative electrical audio signal (microphone 90, col. 3, line 59-67 and col.4, lines 1-3); processor communicating with said audio transducer and selectively causing said audio signal to be outputted by said audio transducer (CPU 74 controls logic circuit 72 that stores audio signals into memory 78 and 100, col. 3, line 25 and col. 4, lines 31-56), and a memory receiving said audio signal (memory circuit comprises dynamic RAM or buffer 78 and permanent digital memory 100, col. 4, lines 31-33), said memory including an audio buffer (buffer 78 temporarily stores audio and image data, col. 4, lines 30-42)

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capable of continuously storing a predetermined amount of said audio signal and including at least one audio storage cell capable of storing at least a portion of said audio signal held in said audio buffer (digital memory includes memory space or cells that are used to store data transferred from buffer 78, col. 4, lines 31-43); wherein said processor causes at least a portion of said audio signal from said audio buffer to be stored into said at least one audio storage cell upon an input command of a user (a user activates a trigger signal by using "panic" button 110 wherein upon receiving the trigger signal CPU 74 causes the data transfer from buffer 78 to permanent memory 100).

With regard to claim 2, Rayner discloses in Fig. 3, an image capture system 10 which includes cameras 62 and 65, where the system comprises the audio conditioning circuit that performs audio signal processing on said audio signal (low pass filter 94 A/D working in combination with converter 86 removes noise and converts audio signals into digital signals which are in condition for storing in buffer 78 col. 3, lines 49-58).

With regard to claim 3, Rayner discloses in Fig. 3, an image capture system 10 which includes cameras 62 and 65, where the system comprises the audio buffer receives said audio signal when said image capturing device is in an audio capture mode

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(buffer 78 stores audio signals from microphone 90 when the system is on for recording an event; where the system is on audio and video image mode).

With regard to claim 5, Rayner discloses in Fig. 3, an image capture system 10 which includes cameras 62 and 65, where the system comprises the audio buffer receives said audio signal when said image capturing device is powered on (when power from vehicle is supplied to the camera system, buffer 78 starts to record image and audio data, col. 3, lines 37-47).

With regard to claim 6, Rayner discloses in Fig. 3, an image capture system 10 which includes cameras 62 and 65, where the system comprises the processor stores said at least a portion of said audio signal upon a user input (operator activates panic button 110 where the activation activates recording process of audio signals from microphone 90).

With regard to claim 7, Rayner discloses in Fig. 3, an image capture system 10 which includes cameras 62 and 65, where the system comprises the at least a portion of said audio signal upon a user input, and wherein said user input is not constrained to occur simultaneously with an image capture (panic button 110 is used by an operator to activate audio recording and when trigger signals from sound wave detector 250 is detected, the camera is activated; in other words, sound recording can be

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recorded separately from video recording, col. 4, lines 63-67 and col. 5, lines 50-61).

With regard to claim 8, Rayner discloses in Fig. 3, an image capture system 10 which includes cameras 62 and 65, where the system comprises the processor stores said at least a portion of said audio signal upon a user input, and wherein said user input specifies a portion of said audio signal to be stored (panic button is used to record specific event, col. 4, lines 57-67).

With regard to claim 9, Rayner discloses in Fig. 3, an image capture system 10 which includes cameras 62 and 65, where the system performs the steps of continuously storing a predetermined time amount of an audio signal in an audio buffer in said image capturing device (buffer 78 stores image and audio data in a continuous-loop fashion, col. 3, lines 39-49); and selectively storing at least a portion of said audio signal in a memory storage area upon receipt of a store command input from a user (panic button 110 or sound wave detector 250).

Claim 10 recites what was discussed with respect to claim 3.

With regard to claim 11, Rayner discloses in Fig. 3, an image capture system 10 which includes cameras 62 and 65, where

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the system performs the steps of preliminary step of converting sound into said audio signal (microphone 90).

With regard to claim 12, Rayner discloses in Fig. 3, an image capture system 10 which includes cameras 62 and 65, where the system comprise the store command input comprises a store command input unassociated with any image function (sound wave detector 250 can activate the system without any assistance from image capture process, col. 5, lines 50-60).

With regard to claim 13, Rayner discloses in Fig. 3, an image capture system 10 which includes cameras 62 and 65, where the system comprise the store command input is automatically issued in conjunction with an image capture function (panic button 110 is activated by a user).

With regard to claim 14, claim 14 recites what was discussed with respect to claim 7.

With regard to claim 15, Rayner discloses in Fig. 3, an image capture system 10 which includes cameras 62 and 65, where the system performs the steps of continuously storing a predetermined time amount of an audio signal in an audio buffer in said image capturing device when said image capturing device is in an audio capture mode [the camera system includes audio mode (recoding by using microphone 90) and video mode (recording by using cameras); noted that buffer 78 records audio and image

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data in a predetermined time amount at a continuous loop fashion, col. 3, lines 38-49]; where the system can obtain audio signals from microphone 90 in a audio mode); and storing at least a portion of said audio signal upon a store command input from a user (upon an activation of panic button 110, CPU 74 temporarily stores the activation command signal and activates the cameras and microphone, col. 4, lines 57-67).

With regard to claim 16, Rayner discloses in Fig. 3, an image capture system 10 which includes cameras 62 and 65, where the system performs the steps of preliminary step of converting sound into said audio signal (microphone 90 is used to convert sounds into audio signals).

With regard to claims 17-19 recite what was discussed with respect to claims 12-14.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.



Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over O Rayner in view of Friedman et al (US 5,815,316).

Rayner discloses the same subject matter as discussed with respect to claim 1, except that the audio buffer receives said audio signal when a lens cover is open and a lens apparatus is exposed.

Rayner does not explicitly disclose any audio buffer receives said audio signal when a lens cover is open and a lens apparatus is exposed. However, Friedman et al teaches in Fig. 3, using a lens cap 31 where when the cap is open and lens 22 is exposed, the battery 30 provides power to the viewer 11, col. 30, lines 31-37.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the lens caps of cameras 62 or 65 of Rayner so that when one of the cap is open, the system is activated and starts recording audio and video data. This is because the action of opening the caps would make the camera ready and conveniently to activate the cameras.

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3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Hamamura discloses an electronic camera that can record audio signals.

Chan discloses an camera system that can record sound and video images upon a activation of a user.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to TUAN HO whose telephone number is (571) 272-7365. The examiner can normally be reached on Mon-Fri from 7AM to 4PM.

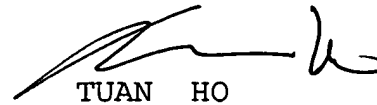
If attempts to reach the examiner by telephone are unsuccessful, the examiner's acting supervisor, David Ometz can be reached on (571) 272-7593. The fax phone number for the organization where this application or proceeding is assigned is (572) 273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Customer Service whose telephone number is (571) 272-2600.

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TUAN HO

Primary Examiner

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